

## DECLARATION AND POWER OF ATTORNEY

ANDRÉ SMAAL, declares:

I am a citizen of The Netherlands and a resident of Aalsmeerderweg, The Netherlands whose post-office address is 1432 CX Aalsmeer, The Netherlands.

I believe myself to be the original, first and sole inventor of the improvement entitled BEGONIA PLANT NAMED 'FUGA' which is described and claimed in the annexed specification.

I have asexually reproduced the new and distinct variety.

I have receive and understand the contents of the specification, including the claim.

I do not know and do not believe that the same was ever known or used in the United States before my invention thereof; or patented or described in any printed publication in any country before my invention or more than one year prior to this application; or in public use or on sale in the United States more than one year prior to this application.

Said invention has not been patented or been made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I acknowledge my duty to disclose information of which I am aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

That applications for plant breeders' rights on said invention have been filed by me or my legal representatives or assigns in countries foreign to the United States as follows:

<u>Country</u>	<u>Filing Date</u>	<u>Application Status</u>
Netherlands	15/12/1999	Pending
Europe	02/03/2001	Pending

No application for patent or inventor's certificate has been filed by me or by my legal representative or assignee in any country foreign to the United States.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

I hereby appoint William H. Logsdon, Registration No. 22,132; Russell D. Orkin, Registration No. 25,363; David C. Hanson, Registration No. 23,024; Richard L. Byrne,

Registration No. 28,498; Frederick B. Ziesenheim, Registration No. 19,438; Kent E. Baldauf, Registration No. 25,826; Barbara E. Johnson, Registration No. 31,198; Paul M. Reznick, Registration No. 33,059; John W. McIlvaine, Registration No. 34,219; Michael I. Shamos, Registration No. 30,424; Blynn L. Shideler, Registration No. 35,034; Julie W. Meder, Registration No. 36,216; Lester N. Fortney, Registration No. 38,141; Jesse A. Hirshman, Registration No. 40,016; Randall A. Notzen, Registration No. 36,882; James G. Porcelli, Registration No. 33,757; and Kent E. Baldauf, Jr., Registration No. 36,082, whose post-office address is 700 Koppers Building, 436 Seventh Avenue, Pittsburgh, Pennsylvania 15219-1818, Telephone No. 412-471-8815, my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, to amend the specification, to appeal in case of rejection, as they may deem advisable, to receive the patent when granted and generally to do all matters and things needful in the premises, as fully and to all intents and purposes as I could do.

**All correspondence and telephone calls should be addressed to Russell D.**

**Orkin.**

I hereby subscribe my name to the foregoing specification and claims, declaration and power of attorney this 27<sup>th</sup> day of July, 2001.

Inventor

  
André Smaal